

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES OBERGEFELL, et al.,	:	
	:	Case No. 1:13-cv-00501
Plaintiffs,	:	
	:	District Judge Timothy S. Black
v.	:	
	:	
THEODORE E. WYMYSLO, M.D.,	:	
	:	
Defendant.	:	

**DEFENDANT DIRECTOR OF THE OHIO DEPARTMENT OF HEALTH, THEODORE
E. WYMYSLO, M.D'S SUPPLEMENTAL ANSWER TO PLAINTIFFS' SECOND
AMENDED COMPLAINT [DOC. NO. 33]**

On November 1, 2013, this court denied Defendant Dr. Theodore E. Wymyslo's motion to dismiss the claims of Plaintiff Robert Grunn, (Doc. # 54). Accordingly, Defendant hereby supplements his answer to Plaintiffs' Second Amended Complaint as follows:

1. Defendant does not dispute that Plaintiff Robert Grunn is a funeral director. Defendant denies the remaining allegations in Paragraph 6 of the Second Amended Complaint for want of knowledge sufficient to form a belief.

2. Defendant states that the allegations contained in Paragraph 41 of the Second Amended Complaint are legal conclusions for which no response is required.

3. Defendant does not dispute that Plaintiff Grunn signs death certificates as a funeral director as alleged in Paragraph 42 of the Second Amended Complaint.

4. Defendant denies allegations in Paragraph 43 of the Second Amended Complaint for want of knowledge sufficient to form a belief.

5. Defendant denies allegations in Paragraph 44 of the Second Amended Complaint for want of knowledge sufficient to form a belief.

6. Defendant denies allegations in Paragraph 45 of the Second Amended Complaint for want of knowledge sufficient to form a belief.

7. Defendant states that the allegations in Paragraph 46 of the Second Amended Complaint are assertions for which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 46 for want of knowledge sufficient to form a belief.

8. Defendant states that the allegations in Paragraph 47 of the Second Amended Complaint are legal conclusions to which no response is required.

9. Defendant states that the allegations in Paragraph 48 of the Second Amended Complaint are legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegations in Paragraph 48 and expressly denies that Plaintiffs are entitled to any relief. Answering further, Defendant denies that this Court has jurisdiction over Mr. Grunn's claims.

10. Defendant states that the allegations in Paragraph 49 of the Second Amended Complaint are legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegations in Paragraph 49 and expressly denies that Plaintiffs are entitled to any relief. Answering further, Defendant denies that Mr. Grunn has standing to represent the interests of unascertained future clients and further denies that this Court has jurisdiction over Mr. Grunn's claims.

11. Defendant denies all allegations not expressly admitted or specified as not disputed.

12. Defendant expressly incorporates all responses and defenses set forth in his Answer to Plaintiffs' Second Amended Complaint (Doc. # 39).

WHEREFORE, having fully answered, Defendant Wymyslo submits that the Second Amended Complaint should be dismissed.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General

/s/ Bridget E. Coontz

BRIDGET E. COONTZ (0072919)*

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on November 15, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Bridget E. Coontz

Bridget E. Coontz (0072919)*

Assistant Attorney General